

COMMITTEE ON HOMELAND SECURITY

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Chairman Reichert Remarks on Military's Role in Disaster Response

Washington, D.C. (Wednesday, Nov. 9, 2005)—House Homeland Security Subcommittee Chairman Dave Reichert (R-WA) delivered the following opening statement at today's joint hearing on "Responding to Catastrophic Events: the Role of the Military and National Guard in Disaster Response:"

"Good morning. Let me first welcome our distinguished witnesses from the U.S. Departments of Homeland Security and Defense. We greatly appreciate your appearance before us today for this important joint hearing.

"Before we start, I'd like to commend Chairman Jim Saxton and Ranking Member Ellen Tauscher of HASC's Subcommittee on Terrorism, Unconventional Threats, and Capabilities for their leadership on homeland defense issues.

"And I especially appreciate their willingness to hold this joint hearing with the House Committee on Homeland Security's Subcommittee on Emergency Preparedness, Science, and Technology—which I chair with the able assistance of Ranking Member Bill Pascrell.

"This joint hearing is a timely one. The deployment of thousands of federal troops to New Orleans in response to Hurricane Katrina has spurred fresh debate about whether the Department of Defense, not the Department of Homeland Security, should be the lead federal agency in responding to disasters of great magnitude.

"In a nationally televised address from New Orleans on Sept. 15, 2005, President Bush contended that 'it is now clear that a challenge on this scale requires greater federal authority and a broader role for the armed forces—the institution of our government most capable of massive logistical operations on a moment's notice.'

"To an American public understandably upset by the slow response to Hurricane Katrina and frightened by a possible avian flu outbreak, the President's suggestion merits discussion. There are, however, constitutional, legal, and practical constraints on the military's ability to assume the primary role in responding to catastrophic emergencies.

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“First, under our Nation’s constitutional framework, state and local governments take the lead role in responding to disasters and emergencies, while the federal government and the military take a supporting role. As the former Sheriff of King County, Wash., I fear that an enhanced role for the military in responding to disasters and emergencies may undermine federalism and deter already financially strapped state and local governments from using their scarce resources for something that the federal government and the military will handle.

“Second, as the lead agency for responding to catastrophic events, the Pentagon may be required to perform certain law enforcement functions. Such a result may upset the delicate balance of civilian-military relations. It is a well established principle of our democratic form of government that the Pentagon should not conduct domestic law enforcement activities, such as investigating, arresting, and incarcerating individuals. Nevertheless, when local and state governments are completely overwhelmed, federal troops may be needed to maintain law and order. Such situations may test the limits of the Posse Comitatus Act.

“Finally, as a practical matter, an enhanced role for the military and the National Guard in responding to domestic catastrophes could undermine our Nation’s defense capabilities. The military’s principal responsibility is to protect the United States from direct attack, not to respond to disasters and emergencies. If the military assumes primary responsibility for both national defense and emergency response, then its dual missions may drain valuable resources and personnel. This result may inadvertently harm military readiness to defend the United States.

“I want to again thank the witnesses for their testimony today, and our colleagues on Armed Services for holding this joint hearing with us. I look forward to discussing these and other issues with all of you this morning.”

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